

REMARKS

Claim 1 has been amended, without the intention of changes the scope of the claimed invention. Accordingly, claims 1, 3 and 4 are presently pending for examination, of which claim 1 is the sole independent claim.

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

As a preliminary matter, Applicants would like to express appreciation for the courtesies extended by Examiner Nigar Chowdhury and her Supervisor Thai Tran to Applicant's representative during the telephone interview conducted on May 9, 2007 (hereinafter the "Interview"). The substance of the interview is incorporated into the remarks below and constitutes Applicant's record of the interview.

Claims 1, 3 and 4 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action asserts that the limitation of claim 1 reciting, "conflicting activity including a real-time recording and a playback" is not described in the Specification.

Without acceding to the propriety of this rejection, and in an effort solely to expedite prosecution, Applicant has amended claim 1 so as to remove the above-recited language and to recite it in a way more commensurate with the language used in the Specification. No disclaimer is intended as a result of the foregoing amendment, nor should any estoppel be applied to claims 1, 3 and 4 as a result of the amendment.

As described in the Specification at page 10, lines 23-26, a recording-destination drive such as a disk drive 35 and a hard drive 20 can apparently simultaneously execute, for example, recording (programmed recording) and reproduction. However, the recording-destination drive cannot simultaneously execute recording and copying of recorded data (for example, data copying from the hard disk drive 20 to the disk drive 35). Accordingly, as described in the Specification at page 9, lines 17-27, when a programmed recording is executed in realtime, if the recording-destination drive is currently executing, for example, data copying, the execution of the data copying is stopped, and the execution of the programmed recording is given priority over the execution of the data copying.

For at least the foregoing reasons, Applicant respectfully submits that claims 1, 3 and 4 comply with the written description requirement. Therefore, Applicant respectfully requests

the withdrawal of the rejection of claims 1, 3 and 4 under 35 U.S.C. § 112, first paragraph, and the claims be allowed.

Further, Supervisor Thai Tran indicated during the Interview that entry of the Amendment would at least overcome the 35 U.S.C. § 112, first paragraph, rejection.


All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP  
SHAW PITTMAN LLP

By:   
ERIC B. COMPTON  
Reg. No. 54806  
Tel. No. 703.770.7721  
Fax No. 703.770.7901

Date: May 9, 2007  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900